

REMARKS

This amendment and these remarks are responsive to the non-final Office action dated February 22, 2005, and are being submitted under 37 C.F.R. § 1.111. Claims 1-34 are pending in the application. In the Office action, the Examiner

(1) rejected claims 1-13, 16, 19, and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite,

(2) rejected claims 1-15 and 18-34 under 35 U.S.C. § 102(b) or § 103(a) (as being anticipated by, or obvious over, U.S. Patent No. 3,091,212 to McCauley ("McCauley"), alone or in combination with German Patent DE 3528357 C1 to Kuchenbecker ("Kuchenbecker"), and

(3) indicated that claims 16 and 17 would be allowable if the rejection under 35 U.S.C. § 112, second paragraph, can be overcome.

Applicant traverses the rejections, contending that the rejected claims are not indefinite, anticipated, or obvious. Nevertheless, to expedite the issuance of a patent, and to more particularly point out and distinctly claim aspects of the invention that Applicant would like to patent now, Applicant has amended claims 1, 6, 16, 18-20, and 29, but reserves the right to pursue any of these claims in their original form in a continuation application. Furthermore, Applicant has presented remarks showing that claims 1-34 are neither taught nor suggested by the references of record. Accordingly, Applicant respectfully requests reconsideration of the rejected claims, and prompt issuance of a Notice of Allowability covering all of the pending claims.

I. Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 1-13, 16, 19, and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite. First, the Examiner stated that the terms “the direction” are indefinite in claims 1, 6, and 16. Applicant has amended each of these claims to distinguish first and second directions. Second, the Examiner stated that the terms “another retainer element” and “the other retainer element” both lack antecedent basis in claims 19 and 20. Applicant has amended these claims to recite, respectively, “a retainer element” and “the retainer element.” By these amendments, Applicant believes each of the Examiner’s rejections under 35 U.S.C. § 112 has been fully addressed and thus these rejections should be removed.

II. Claim Rejections – 35 U.S.C. §§ 102 and 103

The Examiner rejected claims 1-7, 9, 11, 15, 18, 19, 21-23, 25, and 29-34 under 35 U.S.C. § 102(b) as being anticipated by McCauley, and rejected claims 8, 10, 12-14, 20, 24, 26, and 27 under 35 U.S.C. § 103(a) as being obvious over McCauley alone or in view of Kuchenbecker. Applicant traverses these rejections. Neither McCauley nor Kuchenbecker, either alone or in combination, teaches every element of the claimed invention. Nevertheless, Applicant has amended independent claims 1, 18, and 29, but reserves the right to pursue original claims 1, 18, and 29 at a later time in a continuation application. Each of the amended independent claims (and thus their dependent claims) is patentable at least for the reasons set forth below.

A. Claims 1-17

Independent claim 1, as amended, is directed to a children's ride-on vehicle:

1. (Currently amended) A children's ride-on vehicle, comprising:

a body;

a plurality of wheels mounted rotatably on the body and including at least one steerable wheel; and

a steering assembly coupled to the body and configured to steer the at least one steerable wheel, the steering assembly comprising:

a steering mechanism configured to interface with a child steering the vehicle,

a steering column coupled to the steering mechanism and including a proximal portion and a shoulder extending transversely from the proximal portion, and

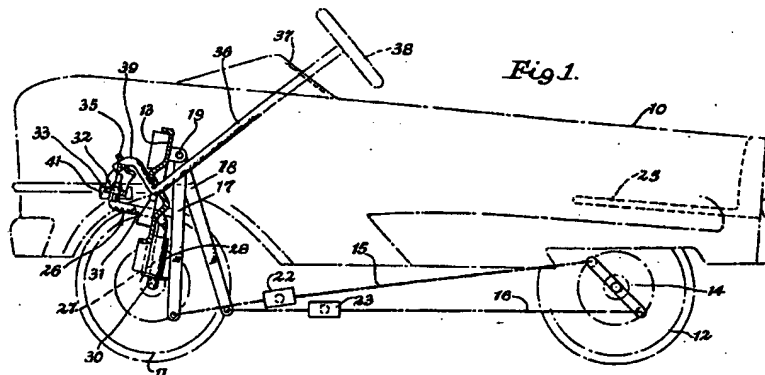
a linkage mechanism adapted to couple **movement of** the steering column to **a change in orientation of** the steerable wheel **through coupled motion of the steering column and the linkage mechanism**, the linkage mechanism including a receiver structure configured to receive the steering column from a **first** direction and a retainer mechanism configured to engage the shoulder so that movement of the steering column in a **second** direction generally opposing the **first** direction is restricted.

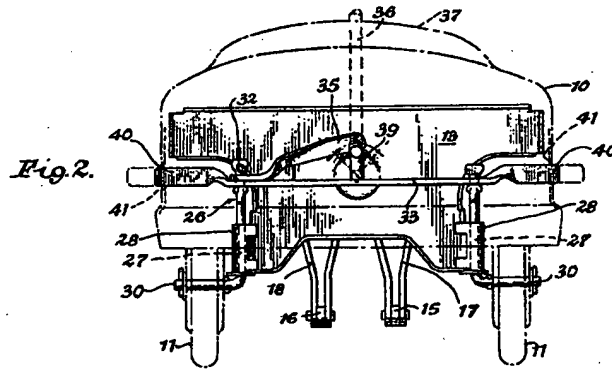
In the Office action, the Examiner rejected claim 1 as being anticipated by McCauley.

However, McCauley does not teach or suggest a linkage mechanism as recited by claim 1.

McCauley involves a toy automobile. The automobile can be steered as shown in

Figures 1 and 2:





A steering post 36 extends from a steering wheel 38, through a brace wall 13, to a steering link 35. The steering link is connected to a cross link 33 that receives steering posts 26, which are coupled to the front wheels of the vehicle. Rotation of the steering wheel moves the steering link and thus the cross link, to steer the wheels. In contrast, the brace wall "is fixed at its opposite side edges to the interior surfaces of the side panel portions" of the vehicle body (col. 1, lines 54-56). The brace wall is thus part of the body of the vehicle rather than part of the steering linkage mechanism.

The Examiner rejected claim 1 by asserting that the brace wall of McCauley meets the limitations of part of the recited linkage mechanism of claim 1. In particular, the Examiner indicated that the brace wall is "a retainer mechanism" of the recited linkage mechanism. Applicant respectfully disagrees that the brace wall is included in the linkage mechanism recited by original claim 1. However, Applicant has amended claim 1 to recite "a linkage mechanism adapted to couple movement of the steering column to a change in orientation of the steerable wheel through coupled motion of the steering column and the linkage mechanism ..." The brace wall of McCauley is fixed to the body and thus cannot participate in coupled motion of the steering column and the linkage mechanism for steering. Furthermore, it would not have been obvious to modify the brace

wall to form part of the linkage mechanism because this would substantially modify or destroy the function of the brace wall. Accordingly, since McCauley does not teach or suggest every limitation of amended claim 1, this claim should be allowed. Claims 2-17, which depend from claim 1, also should be allowed for at least the same reasons as claim 1.

B. Claims 18-28

Independent claim 18, as amended, is directed to a children's ride-on vehicle:

18. (Currently amended) A children's ride-on vehicle, comprising:
a body;
a plurality of wheels mounted rotatably on the body and including at least one steerable wheel; and
a steering assembly coupled to the body and configured to steer the steerable wheel, the steering assembly comprising:
a steering mechanism configured to interface with a child steering the vehicle,
a steering column coupled to the steering mechanism, and
a linkage mechanism that is adapted to couple **movement of the steering column to a change in orientation of the steerable wheel through coupled motion of the steering column and the linkage mechanism**, the linkage mechanism including a spanning member and a retainer mechanism, the spanning member extending at least substantially perpendicular to a proximal portion of the steering column and including a receiver structure that receives the steering column from a first direction, the retainer mechanism being configured to be assembled around the steering column so that movement of the steering column **in a second direction** generally opposing the first direction is restricted.

In the Office action, the Examiner rejected original claim 18 as being anticipated by McCauley. Applicant traverses this rejection because McCauley does not teach or suggest the linkage mechanism recited by original claim 18. However, Applicant has amended claim 18 to recite "a linkage mechanism that is adapted to couple movement of the steering column to a change in orientation of the steerable wheel through coupled motion

of the steering column and the linkage mechanism ...” McCauley does not teach or suggest the linkage mechanism recited by amended claim 18 for at least the same reasons as those described above for claim 1. Therefore, claim 18 should be allowed. Claims 19-28, which depend from claim 18, also should be allowed for at least the same reasons as claim 18.

C. Claims 29-34

Independent claim 29, as amended, is directed to a children’s ride-on vehicle:

29. (Currently amended) A children’s ride-on vehicle, comprising:
a body;
a plurality of wheels mounted rotatably on the body and including at least one steerable wheel; and
a steering assembly coupled to the body and configured to steer the steerable wheel, the steering assembly comprising:
a steering mechanism configured to interface with a child steering the vehicle,
a steering column coupled to the steering mechanism and defining a proximal portion and a shoulder extending from the proximal portion, and
a linkage mechanism that couples movement of the steering column to a change in orientation of the steerable wheel through coupled motion of the steering column and the linkage mechanism, the linkage mechanism including a spanning member and a retainer mechanism, the spanning member extending at least substantially perpendicular to the proximal portion of the steering column and defining opposing first and second flanking regions adjacent the spanning member and also defining a receiver structure configured to receive the steering column in a direction from the first flanking region, the retainer mechanism having a surface disposed in the first flanking region and configured to engage the shoulder if the steering column is pulled generally opposite to the direction.

In the Office action, the Examiner rejected original claim 29 as being anticipated by McCauley. Applicant traverses this rejection because McCauley does not teach or suggest the linkage mechanism recited by original claim 29. However, Applicant has amended

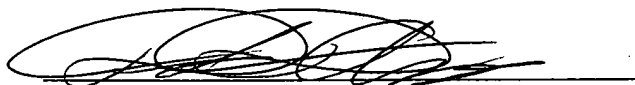
claim 29 to recite "a linkage mechanism that couples movement of the steering column to a change in orientation of the steerable wheel through coupled motion of the steering column and the linkage mechanism ..." McCauley does not teach or suggest the linkage mechanism recited by amended claim 29 for at least the same reasons as those described above for claim 1. Therefore, claim 29 should be allowed. Claims 30-34, which depend from claim 29, also should be allowed for at least the same reasons as claim 29.

III. Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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